

Queensland



**CONSTITUTION
(PARLIAMENTARY
SECRETARIES)
AMENDMENT BILL 1996**

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CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL 1996

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*Constitution (Parliamentary Secretaries)
Amendment*

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**MINOR AMENDMENTS OF LEGISLATIVE ASSEMBLY ACT
1867**

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**MINOR AMENDMENTS OF OFFICIALS IN PARLIAMENT ACT
1896**

1996

A BILL

FOR

An Act to amend various Acts in relation to Parliamentary Secretaries, and for other purposes

*Constitution (Parliamentary Secretaries)
Amendment*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Constitution (Parliamentary Secretaries) Amendment Act 1996*.

4

5

**PART 2—AMENDMENT OF CONSTITUTION ACT
1867**

6

7

Act amended in pt 2 and sch 1

8

Clause **2.** This part and schedule 1 amend the *Constitution Act 1867*.

9

Replacement of s 57 and heading

10

Clause **3.** Section 57 and heading before section 57—
omit, insert—

11

12

‘PARLIAMENTARY SECRETARIES

13

‘Appointment of Parliamentary Secretaries

14

‘57.(1) The Governor in Council may appoint members of the Legislative Assembly as Parliamentary Secretaries.

15

16

‘(2) However, a Minister or member of the Executive Council may not be appointed as a Parliamentary Secretary.

17

18

*Constitution (Parliamentary Secretaries)
Amendment*

‘Functions of Parliamentary Secretary	1
‘58. A Parliamentary Secretary has the functions decided by the Premier.	2
‘Duration of appointment as Parliamentary Secretary	3
‘59.(1) The appointment of a member of the Legislative Assembly as a Parliamentary Secretary ends on the polling day of the next election conducted of the members of the Legislative Assembly.	4 5 6
‘(2) However, the appointment ends before polling day if—	7
(a) the member’s seat becomes vacant otherwise than because the Legislative Assembly is dissolved or expires by the passage of time; or	8 9 10
(b) the member resigns as Parliamentary Secretary by written notice of resignation given to the Premier; or	11 12
(c) the member is appointed as a Minister or member of the Executive Council; or	13 14
(d) the appointment is ended by the Premier under subsection (3).	15
‘(3) The Premier may, at any time, end the appointment for reasons that the Premier considers sufficient.	16 17
‘Reimbursement of expenses	18
‘60.(1) A Parliamentary Secretary is entitled to be reimbursed the Parliamentary Secretary’s reasonable expenses of office.	19 20
‘(2) The consolidated fund is appropriated for the reimbursement.’.	21

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Amendment*

**PART 3—AMENDMENT OF LEGISLATIVE
ASSEMBLY ACT 1867**

	Act amended in pt 3 and sch 2	3
Clause	4. This part and schedule 2 amend the <i>Legislative Assembly Act 1867</i> .	4
	Amendment of s 7B (Eligibility of members to perform services)	5
Clause	5. Section 7B(3)(c)—	6
	<i>omit, insert—</i>	7
	‘(c) the performance of functions as—	8
	(i) an officer of the Crown mentioned in the <i>Officials in Parliament Act 1896</i> , section 3; or	9
	(ii) a Parliamentary Secretary.’.	10
		11

**PART 4—AMENDMENT OF OFFICIALS IN
PARLIAMENT ACT 1896**

	Act amended in pt 4 and sch 3	12
Clause	6. This part and schedule 3 amend the <i>Officials in Parliament Act 1896</i> .	13
	Insertion of new s 6	14
Clause	7. After section 5—	15
	<i>insert—</i>	16
	‘Parliamentary Secretary not officer liable to retire on political grounds etc.	17
	‘ 6.(1) A Parliamentary Secretary is not an officer of the Crown liable to retire from office on political grounds.	18
		19
		20
		21
		22

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Amendment*

‘(2) Also, an appointment as Parliamentary Secretary is not an office or place of profit under the Crown. 1
2

‘(3) This section applies for this Act and for other Acts and laws.’. 3

**PART 5—AMENDMENT OF PARLIAMENTARY
CONTRIBUTORY SUPERANNUATION ACT 1970** 4
5

Act amended in pt 5 6

Clause 8. This part amends the *Parliamentary Contributory Superannuation Act 1970*. 7
8

Amendment of s 5 (Meaning of terms) 9

Clause 9.(1) Section 5, heading— 10
omit, insert— 11

‘Definitions’. 12

(2) Section 5(1), definitions “**basic salary**” and “**salary**”— 13
omit. 14

(3) Section 5(1)— 15
insert— 16

‘“**basic salary**” means the salary payable to every member.¹ 17

“**salary**”, of a member, means the member’s basic salary, and any 18
additional salary payable to the member as the holder of an office in 19

¹ Salary is presently payable under the *Parliamentary Members’ Salaries Act 1988*, part 2.

*Constitution (Parliamentary Secretaries)
Amendment*

the Assembly or as Minister or Parliamentary Secretary.². 1

(4) Section 5(2), as a heading— 2

‘Meaning of ceasing to be a member’. 3

(5) Section 5(2), as amended— 4

renumber as section 5A. 5

**PART 6—AMENDMENT OF PARLIAMENTARY
MEMBERS’ SALARIES ACT 1988**

Act amended in pt 6 8

Clause **10.** This part amends the *Parliamentary Members’ Salaries Act 1988*. 9

Replacement of title 10

Clause **11.** Title— 11

omit, insert— 12

**‘An Act to provide for the salaries of members of the Legislative
Assembly, and for the additional salaries payable to the holders
of certain offices in the Assembly and to Ministers and
Parliamentary Secretaries’.** 13
14
15
16

² Additional salary is presently payable under the *Parliamentary Members’ Salaries Act 1988*, parts 3 (Parliamentary office holders), 4 (Ministers) and 5 (Parliamentary Secretaries). Under the *Acts Interpretation Act 1954*, section 34 a reference to the holder of a particular office includes a reference to the person for the time being acting in the office.

*Constitution (Parliamentary Secretaries)
Amendment*

Amendment of s 7 (Rates of additional salaries)

Clause	12. Section 7(1)(c), ‘the Minister’—	1
	<i>omit, insert—</i>	2
		3
	‘a Minister’.	4

Replacement of pt 5 5

Clause	13. Part 5—	6
	<i>omit, insert—</i>	7

**‘PART 5—ADDITIONAL SALARY OF
PARLIAMENTARY SECRETARIES**

‘Rate of additional salary etc. 10

‘10.(1) A Parliamentary Secretary is entitled to be paid additional salary at the rate fixed by the Governor in Council by gazette notice. 11

‘(2) The consolidated fund is appropriated for the additional salary. 12

‘Only 1 additional salary payable 14

‘11. If a person is entitled to be paid additional salary under section 10 and additional salary under section 5, the person is entitled to be paid additional salary only under 1 of the sections. 15

‘PART 6—MISCELLANEOUS 18

‘Regulation making power 19

‘12. The Governor in Council may make regulations under this Act.’. 20

SCHEDULE 1

1

**MINOR AMENDMENTS OF CONSTITUTION ACT
1867**

2

3

section 2

4

1. Before heading before section 1—

5

insert—

6

‘PRELIMINARY

7

‘Short title

8

‘1A. This Act may be cited as the *Constitution Act 1867*.’.

9

2. Section 7A(2)(c)—

10

omit, insert—

11

‘(c) to a contract or agreement with Suncorp Insurance and Finance,
or the Workers’ Compensation Board, in relation to insurance
business carried on by it; or’.

12

13

14

3. Section 39(2), heading—

15

omit.

16

4. Section 40(2), heading—

17

omit.

18

*Constitution (Parliamentary Secretaries)
Amendment*

SCHEDULE 1 (continued)

5. Section 49(1), heading—	1
<i>omit, insert—</i>	2
‘Execution of verbal order or warrant’.	3
6. Section 49(2), heading—	4
<i>omit.</i>	5
	6

SCHEDULE 2

**MINOR AMENDMENTS OF LEGISLATIVE
ASSEMBLY ACT 1867**

section 4

1. Heading before section 1—

omit.

2. Section 1—

omit, insert—

‘PART 1—PRELIMINARY

‘Short title

‘1. This Act may be cited as the *Legislative Assembly Act 1867*.’

‘Definitions

‘2. In this Act—

“**Assembly**” means the Legislative Assembly.

“**election**” means the election of a member of the Assembly.’.

3. Heading before section 1A—

omit, insert—

‘PART 2—COMPOSITION OF THE ASSEMBLY’.

SCHEDULE 2 (continued)

4. Sections 1A and 1B—	1
<i>renumber</i> as sections 3 and 4.	2
5. Heading before section 7—	3
<i>omit, insert—</i>	4
‘PART 3—DISQUALIFICATION AND RESIGNATION’.	5 6
6. Section 7A(4)(c), ‘an order in council’—	7
<i>omit, insert—</i>	8
‘a regulation’.	9
7. Section 7B(1), ‘the State Government Insurance Office (Queensland)’—	10 11
<i>omit, insert—</i>	12
‘Suncorp Insurance and Finance and the Workers’ Compensation Board’.	13 14
8. Section 7C(1) and (3), ‘by order in council’—	15
<i>omit, insert—</i>	16
‘by regulation’.	17
9. Section 7C(2) and (3), ‘an order in council’—	18
<i>omit, insert—</i>	19
‘a regulation’.	20

SCHEDULE 2 (continued)

10. Section 7C(4) and (5)—	1
<i>omit.</i>	2
11. Section 7E, ‘Constitution Acts’—	3
<i>omit, insert—</i>	4
<i>‘Constitution Act 1867’.</i>	5
12. Section 7E(b), ‘the allowance to which such member is entitled to be paid pursuant to the <i>Constitution Act Amendment Act 1896</i>’—	6
<i>omit, insert—</i>	7
<i>‘the salary to which the member is entitled under the <i>Parliamentary Members’ Salaries Act 1988</i>’.</i>	8
	9
	10
13. Heading before section 12—	11
<i>omit, insert—</i>	12
‘PART 4—SPEAKER, QUORUM AND COMPETENCY OF ASSEMBLY’.	13
	14
14. Section 37 and heading before section 37—	15
<i>omit, insert—</i>	16
‘PART 5—MISCELLANEOUS	17
	18
‘Regulation making power	18
‘19. The Governor in Council may make regulations under this Act.’.	19
	20

SCHEDULE 3

MINOR AMENDMENTS OF OFFICIALS IN PARLIAMENT ACT 1896

	section 6	4
1. Title, ‘, and to fix the salaries payable to Ministers’—		5
<i>omit.</i>		6
2. Section 3(4), ‘section 6’—		7
<i>omit, insert—</i>		8
‘the <i>Parliamentary Members’ Salaries Act 1988</i> ’.		9
3. Section 8(2), ‘and chief secretary’—		10
<i>omit.</i>		11
4. Section 8(3), definition “Premier and chief secretary”—		12
<i>omit.</i>		13
5. Section 9—		14
<i>omit.</i>		15